

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO.5656 OF 2005

Shri Gulab Gangaram Shindore, .. Petitioner.

Vs

Shri Rajesh Bhajandas Kukreja, .. Respondent.

Mr P.S.Dani, for the petitioner.

Mr H.E.Palve, for the respondent.

CORAM : D.B.BHOSALE, J.
DATE : 05.09.2006

PC:

1. Heard the learned counsel for the parties.
2. The petitioner has impugned the order dated 27.7.2005, by which the application at Exhibit-30 filed by the petitioner has been rejected. In that application the petitioner had made the following prayers:-

"(a) Documents at Sr No.Exh.19/2. 19/3, 19/4 be read in evidence and be marked as exhibits.

(b) Any other just and necessary reliefs be granted in favour of the plaintiff."

The learned counsel for the parties have fairly agreed for the following order. Hence, without entering into the questions raised by the petitioners in the instant writ petition, I pass the following order.

- (i) The order impugned is set aside. The application

at Exhibit-30 is restored to file. The trial Court shall consider the application Exhibit-30 dated 24.3.2004 filed by the petitioner afresh at the stage of final arguments and pass appropriate orders thereon in the final judgment after allowing both the sides to advance their arguments in support of their contentions. The trial Court shall consider the application on merits in accordance with law and uninfluenced by this order and the order impugned in the petition. All contentions are kept open.

(ii) With these observations, the writ petition is disposed of. The interim relief, if any, stands vacated. Certified copy expedited.

(D.B.BHOSALE, J.)